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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,333	06/18/2001	Josef Winter	01P077	8909

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YOUNG & THOMPSON
745 SOUTH 23RD STREET 2ND FLOOR
ARLINGTON, VA 22202

EXAMINER

OCAMPO, MARIANNE S

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 12/31/2002

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/868,333	Applicant(s) WINTER ET AL.	
	Examiner Marianne S. Ocampo	Art Unit 1723	

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of group II, involving claims 4 - 11 in Paper No. 5 filed on 10-8-02, is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4 – 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a). Claim 4 recites the intended use clause “the canister being used as a filter element holding a paper roll as filter media” and the limitations, “the paper roll being of a marginally greater diameter than the internal diameter of the canister, ... and the paper roll being sufficiently tightly wound that the paper roll, when inserted into the canister using a press, is substantially

compressed to the internal diameter of the canister without distortion of the canister". It is unclear if the claimed invention is a subcombination, (i.e. claiming only that of the canister), or is a combination, including the canister and the paper roll/filter media. For examination purposes, the examiner considered the claimed invention being the subcombination, and that the canister being capable of use as filter element and able to accommodate a paper roll media mentioned in the rest of the claim.

b). Claim 7 recites the limitation "the inner wall". There is insufficient antecedent basis for the limitation in the claim.

c). Claim 8 recites the limitation "the open end". There is insufficient antecedent basis for the limitation in the claim.

d). Claims 5 – 6 and 9 - 11 are dependent claims of claim 4 and therefore also suffer the same defects since they depend therefrom.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 4 and 7 - 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Beach et al. (US 5,171,430).

6. Concerning claim 4, Beach et al. disclose a rigid blow (injection) moulded generally cylindrical canister (10), the canister having a side wall (22) having an outer surface and an inner surface, capable of use as a filter element holding a paper roll as filter media (30) and the side wall being thin and further having spaced anti-tracking ribs (24, 26) projecting from the inner surface of the side wall (22), as in fig. 1 and in cols. 2 – 3.

7. With respect to claim 7, Beach et al. disclose the ribs (24, 26) being evenly spaced and the canister having an inner wall having a slight taper on the inner surface of the canister, enabling release from a male mould.

8. Concerning claim 8, Beach et al. disclose the canister (10) further including a marginal taper on the inner surface at an open end of the canister to act as a lead-in for a paper roll.

9. With respect to claim 9, Beach et al. also disclose the canister further including a base (28) and the base (28) being inwardly biased (curved), as in fig. 1.

10. Regarding claim 10, Beach et al. further disclose the canister further including a base (28) and the base (28) being inwardly dished (curved/cup-shaped) at a center relative to the edges capable of providing a bias against loading as a paper roll is being pressed into the canister.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 5 – 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Beach et al.

13. With regards to claims 5 - 6, although Beach et al. fail to disclose the ribs projecting at 1 mm – 2mm from the inner surface of the side wall of the canister, it is considered an obvious modification on the part of the manufacturer/user of the canister to form to whatever thickness/distance, such as 1 mm to 2 mm (in claim 5), or about 1.5 mm (as in claim 6) from the

inner surface of the side wall of the canister, in order to provide the means for stretching and allowing the maximum strengthening thickness required to provide a rigid canister.

14. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beach et al. in view of Price (US 4,109,676).

15. Concerning claim 11, Beach et al. fail to disclose the canister further including a base and the base having an inner surface with radially extending flow passages separated by lands, the lands defining a supporting surface to evenly distribute and support a paper roll media across the base of the canister to provide secondary flow passages across the base of the canister. Price teaches a canister (10) having a base with an inner surface thereof provided with radially extending flow passages separated by lands (14), the lands (14) defining a supporting surface which capable of evenly distributing and supporting a paper roll media across the base of the canister/bottle to provide secondary flow passages across the base of the canister, as in figs. 1 & 3 and cols. 1 - 2. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the base of the canister of Beach et al. by adding the embodiment taught by Price, in order to provide a more rigid and durable base and support for (for a filter media contained in) the (thin walled plastic) canister (see cols. 1 - 2).


Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents 3,333,703 (Scavuzzo et al.), 5,080,244 (Yoshino) and 5,593,063 (Claydon et al.).

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (703) 305-1039. The examiner can normally be reached on Mondays to Fridays from 8:00 A.M. to 4:30 P.M..

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


M.S.O
December 26, 2002


W. L. WALKER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 700